



City of Hogansville
City Council
Regular Meeting Agenda

Monday, October 21, 2024 – 7:00 pm

**Meeting will be held at Hogansville City Hall,
111 High Street, Hogansville, GA 30230**

Mayor: Jake Ayers	2025	City Manager: Lisa E. Kelly
Council Post 1: Michael Taylor, Jr *	2025	Assistant City Manager: Niles Ford
Council Post 2: Matthew Morgan	2025	City Attorney: Alex Dixon
Council Post 3: Mandy Neese	2027	Chief of Police: Jeffrey Sheppard
Council Post 4: Mark Ayers	2027	City Clerk: LeAnn Lehigh
Council Post 5: Kandis Strickland	2027	* Mayor Pro-Tem

Regular Meeting –7:00 pm

1. Call to Order – Mayor Jake Ayers
2. Invocation & Pledge

Agenda

All items listed under the Consent Agenda are considered to be routine in nature and will be approved by one blanket motion.

1. Approval of Agenda: Regular Meeting October 21, 2024
2. Approval of Minutes: Work Session October 7, 2024
3. Approval of Minutes: Public Hearing & Regular Meeting October 7, 2024

Presentation

1. Employee Recognition – Lisa Kelly – 20 Year Anniversary

Old Business

1. Ordinance – 2nd Reading & Adoption – Rezoning – Portions of Tax Parcel Numbers: 0023 0010, 0022 000016, and 0023 001 002

New Business

1. Tank Maintenance Award – American Tank
2. Preliminary Plat - Oakgate

City Manager's Report

Chief of Police Report

Council Member Reports

1. Council Member Taylor
2. Council Member Morgan
3. Council Member Neese
4. Council Member Ayers
5. Council Member Strickland

Mayor's Report

Adjourn

Upcoming Dates & Events

- October 22, 2024 – 6:30 pm | Meeting of the Downtown Development Authority at Hogansville City Hall
- October 26, 2024 – 7:00 pm | Royal Theater Soft Opening – (tickets may be purchased at www.1937royaltheater.org)
- October 31, 2024 – 5pm-7pm | Pilot Club Trunk or Treat Downtown Hogansville
- November 4, 2024 – 7:00 pm | Regular Meeting of the Mayor and Council at Hogansville City Hall
- November 9, 2024 – 7:00 pm | Royal Theater Grand GALA Opening Night at the Royal Theater (tickets may be purchased at www.1937royaltheater.org)



10/07/2024

Meeting held at Hogansville City Hall, 111 High Street, Hogansville GA 30230

Work Session Meeting

Call to Order: Mayor Jake Ayers called the Work Session to order at 6:00 pm. Present were Council Member Michael Taylor, Council Member Matthew Morgan, Council Member Mark Ayers and Council Member Kandis Strickland. Also present were City Manager Lisa Kelly, Assistant City Manager Niles Ford, City Attorney Alex Dixon, Police Chief Jeffrey Sheppard, and City Clerk LeAnn Lehigh. Council Member Mandy Neese was not present at tonight's Work Session meeting.

ORDER OF BUSINESS

1. Tank Maintenance Presentation – American Tank

City staff solicited quotes on water tank maintenance, as the City has never had a water tank maintenance program before. Staff received back three quotes.

Brad McConnell with American Tank Maintenance gave a presentation to Council about their tank maintenance program in which they would contract with the City to provide all maintenance for the Interstate Water Tank and the Pine Street Water Tank. This includes painting the exterior of the Interstate Tank with new logo, then painting the exterior of each tank every ten years, pressure washing the interior to remove mud and sediment every 2 years, alternating years with a visual inspection, and would include any emergency services. The contract would be for five years, and there would be no change-orders. American Tank could offer payments monthly, quarterly, semiannually, or annually based on the City's budget. The Tank Maintenance Item will be added to October 21 agenda for Council action.

UDO Amendments Update

City Manager Lisa Kelly gave Council a summary of UDO Amendments that will be reviewed by the City Attorney. This item will be on the November 4 agenda.

Assistant City Manager Niles Ford gave Council a list of streets the City feels are priority regarding parking on City streets. Council had discussed this topic at the last Work Session. The parking signage would be listed by each street in the ordinance and yellow curbing would be used where able. City Manager Lisa Kelly asked for Council input before City Attorney drafts the ordinance.

Mayor Ayers adjourned the Work Session at 6:52 pm.

Respectfully,

LeAnn Lehigh
City Clerk



10/07/2024

Meeting held at Hogansville City Hall, 111 High Street, Hogansville GA 30230

PUBLIC HEARING

Mayor Jake Ayers called the Public Hearing to order at 7:01pm to Hear Citizen Comments on the proposed rezoning of acreage owned by Blue Creek Developers, LLC and The Scarborough Group rezoning portions of a previously approved Mixed-Use Development

Richard Ferry and Joe Facilia with Blue Creek Developers explained that the prior zoning ordinance does not allow distribution centers. They are asking for portions of tax parcel numbers 0023 0010, 0022 000016, and 0023 001002 to be rezoned to fit with plans on those parcels.

There were no public comments and Mayor Ayers adjourned the Public Hearing at 7:10pm

REGULAR MEETING

Call to Order: Mayor Jake Ayers called the Regular Meeting to order at 7:10 pm. Present were Council Member Michael Taylor, Council Member Matthew Morgan, Council Member Mark Ayers, and Council Member Kandis Strickland. Also present were City Manager Lisa Kelly, Assistant City Manager Niles Ford, City Attorney Alex Dixon, Police Chief Jeff Sheppard, and City Clerk LeAnn Lehigh. Council Member Mandy Neese was not present at tonight's meeting.

Council Member Morgan gave an invocation and Mayor Ayers led the Pledge of Allegiance.

CONSENT AGENDA

Motion: Council Member Taylor moved to approve the Consent Agenda. The motion was seconded by Council Member Morgan.

Motion Carries 4-0

NEW BUSINESS

1. Ordinance – 1st Reading– Rezoning – Portions of Tax Parcel Numbers 0023 0010, 0022 000016, and 0023 001002

City Attorney Alex Dixon read the 1st Reading of the proposed rezoning ordinance. No action was taken at tonight's meeting.

2. Professional Services Agreement – FY 2024 CDBG – Allen Smith Consulting

Motion: Council Member Strickland moved to approve the agreement with Allen Smith Consulting for grant administration services for the FY2024 CDBG application. The motion was seconded by Council Member Ayers.

Discussion: None

Motion Carries 4-0

3. Board Appointment – GICH

Motion: Council Member Morgan moved to appoint Gloria Poole to the GICH board. The motion was seconded by Council Member Taylor.

Discussion: None

Motion Carries 4-0

ADJOURNMENT

On a motion made by Council Member Strickland and duly seconded, Mayor Ayers adjourned the meeting at 7:49pm.

Respectfully,

LeAnn Lehigh

City Clerk

October 7, 2024

AN ORDINANCE

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOGANSVILLE TO AMEND THE CODE OF THE CITY; TO AMEND THE ZONING MAP AND ORDINANCES OF THE CITY SO AS TO CLASSIFY THE USE ZONE OF REAL ESTATE WITHIN THE CITY LOCATED OFF EAST MAIN STREET AND BLUE CREEK ROAD AND OWNED BY BLUE CREEK DEVELOPERS, LLC AND THE SCARBOROUGH GROUP, INC.; TO REPEAL CONFLICTING ORDINANCES; TO FIX AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE COUNCIL OF THE CITY OF HOGANSVILLE HEREBY ORDAINS:

SECTION 1:

That the zoning map and ordinances of the City of Hogansville be amended as follows:

To rezone 385.21 acres (Parcel D on attached plat) in the southern portion of Tax Parcel No. 0022 000016 south of Blue Creek from Corridor Mixed Use (CR-MX) with PUD overlay to General Industrial (G-I), and leave 92.17 acres (Parcel E on attached plat) of such tax parcel to the north of Blue Creek as currently zoned, Corridor Mixed Use (CR-MX) with PUD overlay.

SECTION 2:

That the zoning map and ordinances of the City of Hogansville be amended as follows:

To rezone Tax Map Parcel 0023 001002 to remove the PUD overlay from the entire 46.38 acre parcel, to rezone 37.30 acres in the western portion of such tax parcel (the southernmost portion of Parcel A on attached plat) from Corridor Mixed Use (CR-MX) with PUD overlay to General Industrial (G-I), and leave the 9.08 acres in the eastern portion of such ta parcel (the southern portion of Parcel E on attached plat) as currently zoned, Corridor Mixed Use (CR-MX), without any PUD overlay.

SECTION 3:

That the zoning map and ordinances of the City of Hogansville be amended as follows:

To rezone Tax Map Parcel 0023 001016A to remove the PUD overlay from the entire 15.41 acre parcel, and to rezone 2.17 acres in the eastern portion of such tax parcel (the northern portion of Parcel E on attached plat) from General Industrial (G-I) to Corridor Mixed Use (CR-MX), without any PUD overlay.

SECTION 4:

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5:

Pursuant to Official Code of Georgia Annotated Section 36-66-4(d)(4), this ordinance after adoption by the Council and upon approval by the Mayor, shall become effective upon the latter of the following dates: (1) the date the zoning is approved by the Mayor and Council; or (2) the date that the annexation of the above-referenced property becomes effective pursuant to Official Code of Georgia Annotated 36-36-2, as amended.

INTRODUCED AND FIRST READING _____

SECOND READING AND ADOPTED/REJECTED _____

SUBMITTED TO MAYOR AND APPROVED/DISAPPROVED _____

BY: _____
Mayor

ATTEST: _____
Clerk

EXHIBIT "A"

69, 92, 94, 99, 100, 101, 124, 125 and 126 of the 11th Land District, Troup County, Georgia, containing 539.17 acres, more or less.

Tax Parcel ID Number 0022 000016 (477.38 Acres), 0023 001016A (15.41 Acres), and 0023 001002 (46.38 Acres) (for a total of approximately 539.17 Acres, more or less) located off of and between Blue Creek Road and East Main Street, Hogansville, Troup County, GA 30230.

Plat of proposed development and identification of specific parcels being rezoned is attached hereto as Exhibit "B" and incorporated herein by reference.



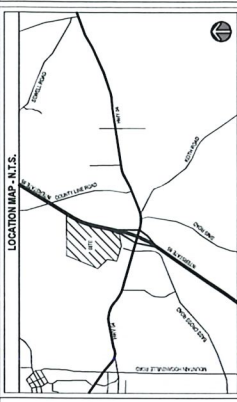
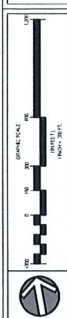
E&A
ERELY & ASSOCIATES
1875 43RD STREET, EAST
2801 RIVERSIDE ROAD, SUITE 204
19 ATLANTA, GEORGIA 30341
WWW.E&A.NET
LAND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE

BLUE CREEK PROPERTIES
18TH DISTRICT
TROUP COUNTY, GEORGIA
LAND LOT 92, 93, 100, 101, 124, & 125
CITY OF HOGANSVILLE

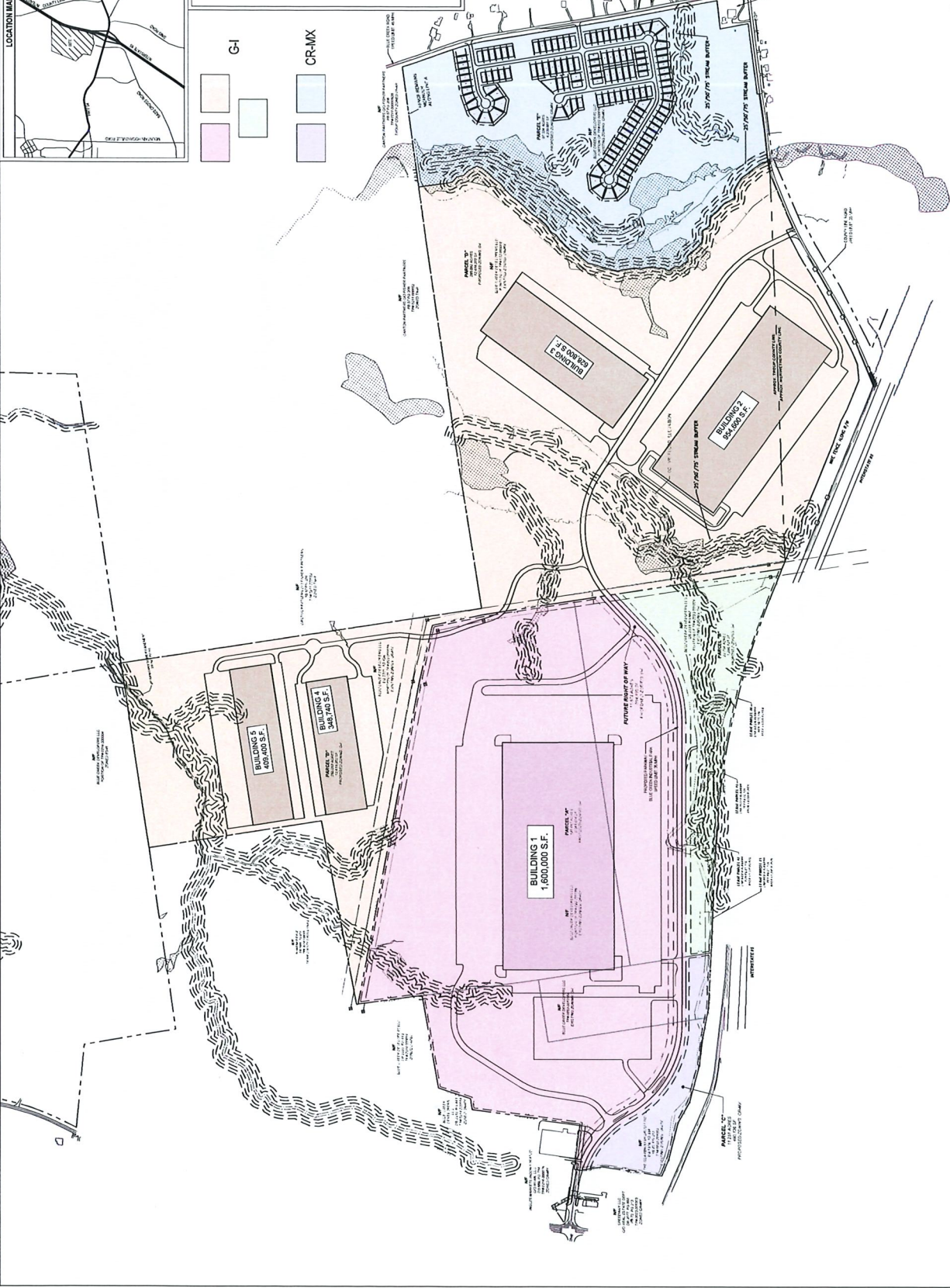
REZONING SITE PLAN

24-113

EXHIBIT



- LEGEND**
- CR-MX
 - G-1



CITY COUNCIL
Mayor Jake Ayers
Michael Taylor, Jr., Post 1
Mathew Morgan, Post 2
Mandy Neese, Post 3
Mark Ayers, Post 4
Kandis Strickland, Post 5



City Manager – Lisa Kell
Assistant City Manager – Niles For
City Clerk – LeAnn Lehig
City Attorney – Alex Dixoi
111 High S
Hogansville GA 30230-1191
706-637-8629 | cityofhogansville.org

COUNCIL ACTION FORM

MEETING DATE: October 7, 2024

SUBMITTED BY: Dhayna Portillo

AGENDA TITLE: Public Hearing and First Reading -- Rezoning and Map Amendment for Blue Creek Development

CLASSIFICATION (City Attorney must approve all ordinances, resolutions, and contracts as to form)

☐ Ordinance (No. ____)

☐ Contract

☐ Information Only

☐ Public Hearing

☐ Resolution (No. ____)

☐ Ceremonial

☒ Discussion/Action

☐ Other

BACKGROUND (Includes description, background, and justification)

Property owners and applicants Blue Creek Developers, LLC and The Scarbrough Group are proposing rezonings of portions of the 539.17+/- acre site on East Main Street and Blue Creek Road, Tax Map Nos. 0023001016A, 0022000016, 0023001002, and currently zoned as Corridor Mixed Use (CR-MX) and General Industrial (GI).

The request is to consider rezoning the property to General Industrial (GI) and Corridor Mixed Use (CR-MX) to encourage general industrial uses.

The entrances will be combined with entrances on East Main Street and County Line Road.

At its September 19, 2024, regular meeting, the Hogansville Planning Commission voted to recommend that the City Council approve the proposed rezoning and map amendment.

BUDGETING & FINANCIAL IMPACT (Includes project costs and funding sources)\

No budget impact.

STAFF RECOMMENDATION (Include possible options for consideration)

Staff recommends that City approve the rezoning application by Blue Creek Developers, LLC and The Scarbrough Group as recommended by the Hogansville Planning Commission on September 19, 2024.



REZONING REQUEST APPLICATION FORM

CITY OF HOGANSVILLE, GA

ATTACHED PLEASE FIND THE FOLLOWING INFORMATION:

- Materials Necessary for a Rezoning Request
- Application for Rezoning Request
- Authorization by Property Owner
- Property Owner Disclosure of Campaign Contributions
- Agent's Disclosure of Campaign Contributions
- Property and Financial Disclosure
- Site plan requirements
- Application Deadline Dates

**THE FOLLOWING IS A GENERAL DESCRIPTION OF THE PROCEDURES USED FOR THE
PROCESSING OF AN APPLICATION FOR A REZONING REQUEST.**

PLANNING COMMISSION:

- 1) After receipt and acceptance of the zoning petition, staff reviews the requests and develops a recommendation which is forwarded to the Planning Commission for review and recommendation.
- 2) The Planning Commission meets on the third Thursday of each month at 6:00 p.m. at City Hall. It is important that the petitioner attend these meetings to answer questions that may arise from board members.
- 3) After hearing interested citizens and after reviewing the request, the Planning Commission votes to recommend APPROVAL, APPROVAL WITH CONDITIONS, DENIAL, OR TABLING of the request.
- 4) This recommendation is forwarded to Mayor and Council.

Application for Rezoning – City of Hogansville Georgia

Property Owner (s):

Blue Creek Developers, LLC (Parcel # 0023 001016A & 0022 000016) and
The Scarbrough Group, Inc. (Parcel #023 001002)

Property Owner(s) Addresses:

Blue Creek Developers, LLC 9008 Highway 16, Senoia, GA 30276
The Scarbrough Group, Inc. 13 Raintree Ct, Newnan, GA 30265

Phone Number: (678) 429.2903

Email: dawndscarbrough@gmail.com

Authorized Agent: Richard Ferry

Agent's Address:

Brent Holdings, LLC 270 North Davis Drive Fayetteville, GA 30214
Phone Number: (770) 461-0478
Email: rferry@brentholdings.net

Subject Property Address:

E. Main Street, Hogansville, GA 30230

Troup Tax Parcel Number:

0023 001016A – contains 15.41 acres; proposal is to remove the PUD Overlay from the entire 15.41 acres and rezone the eastern 2.17 acre portion of it from G-I to CR-MX.

0022 000016 – contains 477.38 acres; proposal is to remove the PUD overlay from and rezone 385.21 acres of it to G-I (leaving that 92.17 acre portion of it north of Blue Creek as CR-MX with the PUD overlay).

0023 001002 – contains 46.38 acres; proposal is to remove the PUD overlay from the entire 46.38 and rezone 37.3 acres of it to G-I (leaving that eastern 9.08 acre portion of it CR-MX).

Size of property (acres): See above.

Current Zoning: CR-MX (with PUD overlay); G-I (with PUD overlay)

Proposed Zoning: G-I

Current Use: Undeveloped

Proposed Use: Rezoning proposed to allow a Distribution Center

If rezoned, when will the proposed use start? No proposed date at this time but in the near future.

APPLICANT'S REZONING DISCLOSURE STATEMENT
(OC.GA. 36-67A-1 eg seq.)

Property/Financial Disclosure

Does any member of the Hogansville City Council or Hogansville Planning and Zoning Commission have a financial or property interest in the subject property requested for zoning change or in a corporation, partnership, firm, trust, or association which has a property interest in the subject property?

No

If so, describe the nature and extent of such interest: _____

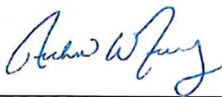
Campaign Contribution Disclosure

Has the applicant made, with two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more, or made gifts having a combined value of \$250 or more to a member or members of the Hogansville City Council or Hogansville Planning and Zoning Commission?

No

If so, give the name of the member(s) to whom the campaign contribution or gifts were made, the dollar amount of each campaign contribution, and an enumeration and description of each gift:

I certify that the foregoing information is true and correct, this 11th day of September, 2024.



Applicant's Signature
Blue Creek Developers, LLC



Applicant's Signature
Scarborough Group, Inc.

OWNER'S AUTHORIZATION TO USE THIRD PARTY REPRESENTATIVE

I swear that I am the owner of the properties located at (property addresses):

E. Main Street, Hogansville, GA 30230; Troup Tax Parcel Numbers:
0023 001016A; 0022 000016; and 0023 001002

which is subject matter of the attached application, as shown in the records of Troup
County, Georgia.

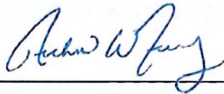
I authorize the person named below to act as applicant in the pursuit of the rezoning of this
property.

Agent Name: Richard Ferry

Agent Address: Brent Holdings, LLC 270 North Davis Drive Fayetteville, GA 30214

Telephone: (770) 461-0478

Email: rferry@brentholdings.net



Property Owner Signature
Blue Creek Developers, LLC

9/11/2024

Date:



Property Owner Signature
Scarborough Group, Inc.

9/11/24

Date:

MEMORANDUM TO ZONING APPLICATION

VIA E-MAIL DELIVERY

TO: Mayor Jake Ayers and Members of City Council; City of Hogansville, GA
FROM: Applicants for Rezoning
DATE: September 12, 2024

Re: Proposed rezoning of Parcel No. 0023 001016A and portions of Parcel Nos. 0022 000016 and 0023 001002 (the “Subject Property”) to remove the Planned Unit Development (“PUD”) Overlay and to rezone parcels 0022 000016 and 0023 001002 from CR-MX to G-I

Agents for the owners of the above referenced parcels, Blue Creek Developers, LLC and The Scarbrough Group, Inc. respectively, submit the attached application for rezoning including the reservation of constitutional rights as set forth on Exhibit A attached to this Memorandum and, as such, made a part hereof.

Rezoning of these parcels is requested / required primarily to allow “Distribution Center” as a “permitted use” as it is not permitted in any other zoning district.

According to Section 102-B-2-11 of the Hogansville Unified Development Ordinance (the “UDO”), zoning district G-I “is intended primarily for large-site development of industrial uses and businesses” and the G-I zoning district is the only district in the UDO that allows “Distribution Center” as a permissible use. Additionally, the adjacent property which is also owned by one of the applicants (immediately to the east; Parcel No. 0023 001001 which contains 72.16) is currently zoned G-I. So, this rezoning request, if granted, will merely expand this area of G-I zoning along I-85 to the west and north and will provide a larger land area to allow a “Distribution Center”.

As you may recall, when the surrounding area was annexed into the City of Hogansville the properties were assigned Planned Unit Development (“PUD”) zoning. As part of that PUD zoning, a preliminary plat was approved on November 7, 2022 (under the previous zoning ordinance). That approved preliminary plat contains a mix of residential and industrial warehouse uses (NOTE: approximately 3 million square feet of industrial warehouse uses were approved).

In June of 2023, the previous zoning ordinance was replaced by the current UDO and these properties were placed mostly in the “Corridor Mixed Use” or “CR-MX” zoning category and since they had been PUD with an approved preliminary plat they were also placed in a “PUD overlay” district (NOTE: the UDO does not have a separate PUD zoning district).

The proposed warehouses on the preliminary plat were depicted in multiple buildings with access via a parkway through the development. However, because “Distribution Center” is not a permitted use in the underlying CR-MX zoning district and because the configuration approved on the preliminary plat will no longer work as conceptualized, the applicants are seeking to rezone the Subject Property to G-I and remove the PUD overlay.

Although G-I might technically be a “higher” or “more intense” zoning category (than the current CR-MX), it is notable that the preliminary plat already approved is actually more consistent with the G-I zoning category than the requirements of CR-MX.

Exhibit A
Statement of Reservation of
CONSTITUTIONAL RIGHTS AND OBJECTIONS

A failure by Hogansville, Georgia to approve the proposed rezonings to which this reservation of rights is attached, as requested by Blue Creek Developers, LLC and The Scarbrough Group, Inc. (together the "Applicant"), would impose a disproportionate hardship on the Applicant without any accruing benefits to any surrounding property owners. The failure to approve would be unconstitutional in that it would render the property of limited use and significantly limit its marketability. As such, not approving the rezoning would constitute a taking without just and adequate compensation and without due process of law. Further, the failure to approve the rezoning would be contrary to the wishes and desires of the property owners and would constitute an arbitrary and capricious act and would discriminate in an arbitrary, capricious and unreasonable manner between the property owner and owners of similarly situated property in violation of Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I (a) of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Any decision that would deny the rezoning, as requested by the Applicant, would also be a violation of the Constitution of the State of Georgia, Article IX, Section II, Paragraph I that requires cities to "pass clearly reasonable ordinances."

A refusal by Hogansville, Georgia to grant the rezoning, as requested by the Applicant, would prohibit the only viable economic use of the subject property, would be an unreasonable application of local land use authority which bears no relationship to the public health, safety, morality or general welfare of the public and would constitute an arbitrary and irrational abuse of discretion by the City of Hogansville, Georgia and the Planning Commission and the City Council in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States. The Applicant maintains that a denial of the rezoning as requested by the Applicant would also be an abuse of discretion under the power granted to local governments by the Georgia Constitution and the Zoning Procedures Law, O.C.G.A. §36-66-1, et seq.

In filing this statement with the application to which it is attached, the Applicant hereby reserves all rights and remedies available to it under the Constitution of the United States, the Constitution of the State of Georgia, all applicable federal, state and local laws and ordinances and in equity.

Accordingly, the Applicant respectfully requests that the rezoning be granted and reserves the right to amend this statement and the attached documents.

STANDING OBJECTION.

The Applicant objects to the standing of each and every surrounding resident to challenge whether before the Planning Commission, City Council or any court of competent jurisdiction, any zoning decision that was made by the Planning Commission and/or City Council in that he/she has not shown, nor can show, that he/she will suffer special damages within the meaning of Georgia law as a result of said decision. Applicant raises this objection before the Planning Commission and City Council and requests the Planning Commission and City Council to determine standing for any individual who challenges or objects to the Planning Commission's and City Council's decision to approve the rezoning. Applicant further raises this

